

AMENDED IN ASSEMBLY APRIL 10, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2438

Introduced by Assembly Member Brewer

February 24, 2000

An act to amend Section 27279 of the Government Code, relating to recordable instruments.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Brewer. Recordable instruments: digitized images.

Existing law provides that a county recorder, upon appropriate payment, shall accept any instrument, paper, or notice that is authorized or required to be recorded, as specified, if these documents contain sufficient information to be properly indexed and may be reproduced photographically. Existing law defines an instrument in this regard as a written paper signed by a person or persons, as specified, but also provides that a county recorder may accept for recording a digitized image of a recordable instrument instead of a written paper, if certain conditions are met.

This bill would ~~make nonsubstantive changes to the provisions of law regarding the acceptance of a digitized image of a recordable instrument~~ *prohibit a county recorder from accepting a digitized image of a recordable instrument that otherwise meets the conditions for acceptance if that image has been transmitted via the Internet.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27279 of the Government Code
2 is amended to read:
3 27279. (a) “Instrument,” as used in this chapter,
4 means a written paper signed by a person or persons
5 transferring the title to, or giving a lien on, real property,
6 or giving a right to a debt or duty.
7 (b) The recorder of a county may, in lieu of a written
8 paper, accept for recording digitized images of
9 recordable instruments if ~~both~~ *all* of the following
10 conditions are met:
11 (1) The image conforms to all other applicable statutes
12 that prescribe recordability, except the requirement of
13 original signatures in subdivision (b) of Section 27201.
14 (2) The requester and addressee for delivery of the
15 recorded images are the same and can be readily
16 identified as a local or state government entity, or an
17 agency, branch, or instrumentality of the federal
18 government.
19 (3) *The digitized image of the recordable instrument*
20 *has not been transmitted by means of the Internet.*

